IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.1744 OF 2006

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and registrar's Orders.	Court's or Judge's Orders

Mr.S.N.Chandrachood for petitioner

CORAM : P.V.KAKADE, J.

DATE : 24TH APRIL, 2006

P.C.:

1. Heard the learned counsel for the petitioner. Perused the record.

2. The petitioner is a medical practitioner, who has challenged the concurrent findings recorded by both the courts below to the effect that the

plaintiff has proved that he is requires the suit premises bona fide and reasonably for his own use and occupation. It was also held by both the courts that the plaintiff would suffer greater hardship if the decree refused to be passed than the defendant if the decree is passed and therefore, on such and other grounds the suit came to be decreed.

3. On perusal of judgments of both the courts below, I do not see any element of perversity or illegality in holding that the plaintiff has proved his case contemplated under Section 13(1)(g) of the Bombay Rent Act and as such the decree came to be passed.

4. The learned counsel for the petitioner, Mr. Chandrachud, fairly conceded at this stage that he would not contest the petition if some time is granted to vacate the suit premises. In view of the concurrent findings recorded by both the

courts below and in view of the submission made by the learned counsel for the petitioner, I hold that the petitioner deserves some indulgence in order to vacate the premises.

5. Hence, the petition is dismissed in limine. However, the petitioner is allowed to vacate the suit premises on or before the end of April 2007 for which purpose he and all adult members of his family shall furnish an undertaking to the court with condition that they shall not create any third party interest in the suit premises during their occupation and shall continue to pay the agreed rent during the period of occupancy. The undertaking to be furnished within two weeks from the date of this order. With this direction the petition stands disposed of.